

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

FREDERICK M. GEORGE JR.,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. CIV-06-876-M
	)	
MICHAEL J. ASTRUE,	)	
Commissioner of the Social Security	)	
Administration,	)	
	)	
Defendant.	)	

**ORDER**

On April 27, 2007, United States District Judge Vicki Miles-LaGrange entered an Order and Judgment in this case reversing the decision of defendant Commissioner of the Social Security Administration (“Commissioner”) and remanding this case for further administrative proceedings. Based on same, on May 24, 2007, plaintiff filed a Motion for Award of Attorney’s Fees Pursuant to the EAJA, 28 U.S.C. Sec. 2412. On June 8, 2007, the Commissioner filed his response.

In his application, plaintiff requests an award of fees in the amount of \$6,139.80 and further requests that the Court award the fees directly to plaintiff’s attorney. In his response, the Commissioner states that he has no objection to plaintiff’s request for fees in the amount of \$6,139.80 but does object to the request to award the fees directly to plaintiff’s attorney.

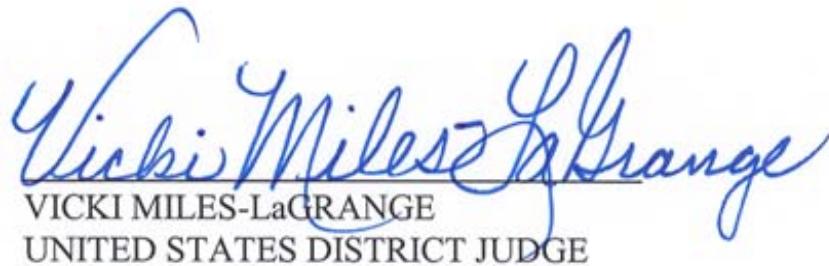
The Equal Access to Justice Act (“EAJA”) provides, in pertinent part:

Except as otherwise specifically provided by statute, a court shall award to a prevailing party other than the United States fees and other expenses, in addition to any costs awarded pursuant to subsection (a), incurred by that party in any civil action (other than cases sounding in tort), including proceedings for judicial review of agency action, brought by or against the United States in any court having jurisdiction of that action, unless the court finds that the position of the United States was substantially justified or that special circumstances make an award unjust.

28 U.S.C. § 2412(d)(1)(A) (emphasis added). Thus, based upon the express language of the EAJA, the Court finds that the fee award should be made to plaintiff rather than his attorney.<sup>1</sup>

Accordingly, the Court GRANTS plaintiff's Motion for Award of Attorney's Fees Pursuant to the EAJA, 28 U.S.C. Sec. 2412 [docket no. 19] as follows: the Court AWARDS plaintiff EAJA fees in the amount of \$6,139.80, to be paid directly to plaintiff.

**IT IS SO ORDERED this 22nd day of June, 2007.**



VICKI MILES-LaGRANGE  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup>The Court notes that this finding is further supported by the Tenth Circuit's statements in *McGraw v. Barnhart*, 450 F.3d 493, 503 (10<sup>th</sup> Cir. 2006) ("EAJA fees are not always available, and even if they are, the award is to the claimant, who may or may not tender that award to counsel, regardless of their agreement.")